

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13500, of National Savings and Trust Co., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the court width requirements (Sub-section 5305.1) for the proposed construction of a bank building in a D/C-2-A District at the premises 2929 M Street, N.W., (Square 1210, Lot 209).

HEARING DATE: June 24, 1981

DECISION DATE: July 1, 1981

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of M and 30th Streets, N.W., and is known as 2929 M Street, N.W. The site is in the D/C-2-A District.

2. The site is 11,162.43 square feet in area. It is essentially rectangular in shape, with a 96.88 foot frontage on M Street and a frontage of 112.66 feet on 30th Street. The subject property is presently occupied by a temporary banking facility covering about 680 square feet on the northwest corner of the site.

3. The C-2-A District is designed to provide facilities for shopping and business needs, housing and mixed uses for large segments of the city outside the central core. This District is intended to permit development to medium proportions in certain low and medium density residential areas, and to include offices, shopping centers and medium-bulk mixed use centers.

4. The D/C-2-A District in which the subject property is located extends westward along M Street, N.W., from Rock Creek Park to 37th Street. The D/c-2-A zone begins three blocks east of the site and continues west along both sides of M Street to 37th Street. It also extends north along Wisconsin Avenue, with one minor exception, as far as Calvert Street. The M Street frontage is characterized by two to four story structures housing banks, restaurants, clothing stores and diverse retail shops. Immediately to the north is an extensive area zoned R-3 and primarily developed with single-family dwellings.

5. The property may be developed to a height of fifty feet with a maximum floor area ratio (FAR) of 2.5 for apartment house or other residential use, and 1.5 for other permitted uses. A maximum lot occupancy of sixty percent for residential use is permitted. A bank, including a bank with drive-up teller service, is a use permitted as a matter-of-right in the C-2-A District. Courts are not required in the C-2-A Zone District and are regulated only if provided.

6. The applicant proposes to construct a free-standing, single-story bank that will be compatible with the architecture and historic character of Georgetown. The bank will be of Georgian style design, built with red sand-finished Colonial brick. The main banking area will be an octagon surmounted with a wooded cupola. This part of the building will house the lobby, tellers, and officers. The octagon will be connected by a passageway to a rectangular appendage housing necessary banking adjuncts, such as the vault, coupon booths, conference and other work rooms, employees' lounge, restrooms and mechanical equipment. Drive-up window service will be provided from two stations on the north side of the octagon, and will be reached through a single-lane driveway from M Street. The driveway also leads to six regular parking spaces and one space especially designed for handicapped customers, and exits onto 30th Street. The seven parking spaces are one more than required by the Zoning Regulations. The roofline will extend the full length of the M Street frontage to the existing building at the eastern boundary of the property by a breezeway over the driveway. The driveway entrance from M Street will have a wrought iron gate six feet tall. The gate will be locked during non-business hours. The 30th Street exit will have a similar gate.

7. The tallest part of the structure will reach only thirty-five feet of a permitted fifty feet, and the actual FAR will be .32, compared with the permitted maximum of 1.5.

8. The bank plans to be open for walk-in service on Monday through Friday from 9:00 a.m. until 3:00 p.m., again on Friday from 4:30 p.m. to 6:00 p.m., and on Saturdays from 9:00 a.m. until noon. The drive-up teller windows will be open daily from 8:00 a.m. until 7:00 p.m., and on Saturday from 9:00 a.m. until noon. Customers will also have twenty-four hour access to an outside automatic teller machine.

9. The Commission of Fine Arts approved the applicant's design for the proposed building on April 16, 1980. The applicant incorporated several recommendations of the Georgetown Board into its design, including extension of the roofline to the eastern boundary of its property.

10. The octagonal design produces two substandard courts. The connection of the octagon to the rest of the building creates a wedge-shaped court on each side of the connecting passageway. Each court is approximately fifteen feet deep. Each court is 8.33 feet inches wide at the narrowest point and approximately 22.7 feet at the widest point. Sub-section 5305.1 of the Zoning Regulations mandates that, if a court is provided in a C-2-A District, it must have a width of at least thirty feet. The applicant requests a variance of 21.67 feet or 72.2 percent for both courts.

11. The subject courts were conceived of by the project architect as architectural embellishments of a distinctive design, not as courtyards to provide light and air. They serve functional and aesthetic purposes only. The architect was not aware that the spaces created by the octagon were courts that would have to meet the criteria of the Zoning Regulations. The applicant testified that there is not enough room on the site to simply elongate the connecting passageway to provide a minimum court width of thirty feet, especially if the driveway off M Street is to be retained. Such a change may also require the approval of the Commission of Fine Arts. On the other hand, eliminating the courts altogether would not only eliminate the need for variances but would require the applicant to occupy more space than it desires or needs and would clearly require approval of the Fine Arts Commission. The applicant desires to build a visually distinctive and functional structure, but not one that is larger than necessary for its own needs as a bank. It does not desire to be a landlord.

12. The applicant testified that it has made a serious and good-faith effort to accommodate its business needs and the design of the new structure to be compatible with the architecture of Georgetown. A great deal of time, effort and money has been expended in creating a functional and historically compatible facility. It was not until after final drawings had been prepared and reviewed and approved by the Commission of Fine Arts that the architect found that the courts did not meet the applicable minimum court requirements of the Zoning Regulations.

13. The applicant's expert traffic analyst testified that the drive-in teller service at the new bank would not have a substantial adverse impact on vehicular or pedestrian traffic in the immediate vicinity. The applicant will provide one parking space more than the minimum number required by the Zoning Regulations, and there is room on the lot for as many as ten cars to queue for the drive-up teller service, three more than the number unofficially recommended by the District of Columbia Department of Transportation. The block of M Street, N.W., in which the site is located sustains a good level of traffic service, level of Service A or B, even during the evening peak hours; traffic congestion does not build up until west of 31st Street, N.W. The westbound curb lane of M Street is underutilized during peak hours. The witness further testified that there are ample gaps in westbound traffic on M Street, N.W., at all times for drivers desiring to enter the applicant's driveway from the eastbound direction. Eastbound traffic on M Street is currently permitted to make left turns onto both 29th and 30th Streets, N.W. Thirtieth Street can accommodate vehicular traffic generated by the proposed facility. Possible vehicular/pedestrian conflicts will not be of sufficient number to pose an unusual safety hazard.

14. The Office of Planning and Development, by report dated June 18, 1981, recommended that the application be approved. In its report, the OPD noted that the entire courts issue in commercial districts is currently being considered by the Zoning Commission in Case 79-3. A public hearing on this case was held on June 1, 1981. The OPD also pointed out that in this application the courts would meet the amended court regulations as proposed by OPD. The Zoning Commission has not, however, taken action on Case 79-3.

The proposed courts do not meet the existing requirements of the Zoning Regulations. The proposed structure is a commercial structure and, therefore, there is no requirement to provide natural light or ventilation to the interior spaces. In this application the courts are design features of the building and actually provide more uncovered open space than would likely occur if the courts were eliminated. In practical terms to require thirty foot wide courts on this site would substantially reduce the amount of frontage on this ninety-six foot wide lot which could be devoted to actual building. To require thirty foot court would also necessitate further design review by the Fine Arts Commission thereby delaying the project and increasing costs. It was the opinion of the OPD that in this one story structure the proposed courts are adequate particularly since they do not serve to provide required light and ventilation to the building. The Office of Planning and Development believed that the grant of this application will cause no adverse impacts upon the future occupants of this building and will be in keeping with the intent and purpose of the Zoning Regulations. The Board, for reasons stated below, does not concur in the recommendations of the OPD.

15. The Department of Transportation, by memorandum dated June 24, 1981, reported that M Street is classified as a principal arterial street with a sixty foot wide roadway operating with two moving lanes in each direction. Thirtieth Street is classified as a collector street with a thirty-foot wide roadway operating with one moving lane in each direction. The street system can accommodate the approximately eighty vehicles generated by the drive-in bank without appreciably affecting the level of service. The potential for serious impacts occurring will be localized at the entrance and exit driveways. Proper controls need to be imposed upon the operation of the bank to minimize the impacts. Queuing space is provided for ten vehicles, entirely on-site, to serve two drive-up windows. Queuing vehicles should extend out into M Street only a small percentage of time, but will block one lane of street traffic during those times. Also, vehicles crossing the sidewalk will conflict with as many as 300 pedestrians per hour. The DOT recommended that no drive-in business be conducted from 7:00 a.m. to 9:30 a.m. and from 4:00 p.m. to 6:30 p.m., which are the morning and evening peak hours, and that only right turns be permitted into the site at all times. The DOT also recommended that the bank officials show how they will control their drive-in operations to preclude the blockage of the sidewalk by queuing vehicles. Vehicles will leave the site via the driveway to 30th Street. Being a collector, this is an appropriate use of this street. Also, when there is generous sight distance, vehicular/pedestrian accidents are rare in driveways of this type crossing sidewalks. Therefore, to assure safe operation of this egress facility, DOT recommended that all fencing, gates, and plants be of the low level type.

16. The applicant testified that it made a presentation concerning the project and its need for two court variances to Advisory Neighborhood Commission-3A on June 3, 1981. The ANC did not submit a statement of its position with respect to the project for the record. No other interested party, person or group has expressed any opposition to the application.

17. The Business and Professional Association of Georgetown has submitted a resolution supporting the application for the record.

18. The record was closed at the end of the public hearing. The Board granted the applicant's motion to reopen the record for the limited purpose of receiving revised plans that would address the specific concerns that the Board raised at the public hearing as to improved vehicular circulation to the bank and its parking and drive-in facility. The revised plan provides improved "stacking" for automobiles for the drive-in windows. The rear portion of the building adjacent to the driveway has been angled and the curve of the driveway softened to make turning movements easier. The revised plan removes, and relocates, the parking from the north side of the subject property to the center of the vehicle area. The revised plan allows for better circulation throughout the site. Specifically, bank customers will be able to enter the drive-in lanes but remove themselves from the lines, if they so desire, prior to transacting business in the bank. It also allows any customer who enters the traffic line to pull out that line, park his or her car, and walk into the bank or walk to its walkup window to transact his or her business. This redesign will prevent customers from being "locked" into a line for any appreciable length of time. Further, the revised plan increases the number of on-site parking spaces from seven to eight. It also allows persons heading south on 30th Street in their cars to enter the site without having to turn left onto M Street and then left again into the site. The revised plan allows a left turn from M Street onto 30th Street and then into the site for cars heading in an east-bound direction on M Street.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires proof through probative evidence of an exceptional or extraordinary situation or condition of the property which causes a practical difficulty for the owner. The Board concludes that no such situation or condition exists. The site is rectangular, flat and for all practical purposes, vacant. The need for the variances is in the design of the structure. There is no need for variances to exist. The building could be designed and constructed from its earliest stage to conform to the Zoning Regulations.

The Board further concludes that the applicant has demonstrated no practical difficulty that it would experience if the application were denied. The Commission of Fine Arts approved a particular design presented to it. The Commission did not mandate the design presented. There is no indication that another conforming design would not be approved. The Board concludes that the failure of the applicant's architect to realize that the design did not comply with the Zoning Regulations does not constitute a practical difficulty arising out of the property. To accept the applicant's argument that a new design for the building should not be required because of error committed by its agent would be a dangerous and unwise precedent.

The Board notes that the OPD report refers to potential changes to the Regulations concerning courts now being considered by the Zoning Commission. The Board is constrained to determine this application on the basis of the Zoning Regulations in effect on the date a decision is rendered. If the Regulations are amended, and the building as proposed can then be constructed as a matter-of-right, the Board will have no jurisdiction. That conclusion awaits final rulemaking action by the Zoning Commission.

The Board further notes much evidence, testimony and discussion about the impact on traffic of the proposed drive-in window and parking access. Such issues are not addressed by the Board herein because the application is disposed of on other grounds. The Board hopes however that the applicant remains sensitive to the concerns expressed by the Board and the D.C. Department of Transportation.

For the above stated reasons, it is therefore hereby ORDERED that this application is DENIED.

VOTE: 3-2 (Lindsley Williams, Charles R. Norris and Douglas J. Patton to DENY; William F. McIntosh and Connie Fortune OPPOSED).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER 14 SEP 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."